

### **REMARKS / ARGUMENTS**

The present application includes pending claims 1-21, all of which have been rejected. Claims 1-3, 7-10, 13-15, 17, and 20-21 have been amended. The independent claims are 1, 7, 9, and 15. The Applicant respectfully submits that the claims define patentable subject matter.

Claims 1-4 and 7-21 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent No. 6,643,781 ("Merriam"). Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Merriam in view of United States Patent No. 5,748,084 ("Ishikoff"). The Applicant respectfully traverses these rejections at least based on the following remarks:

#### **I. Merriam Does Not Anticipate Claims 1-4 and 7-21**

##### **A. Independent Claims 1, 7, 9, and 15**

The Applicants first turn to the rejection of claims 1-4 and 7-21 under 35 U.S.C. 102(e) as being anticipated by Merriam. Without conceding that Merriam qualifies as prior art under 35 U.S.C. 102(e), Applicant address the rejection substantively as follows. With regard to the anticipation rejections under 102, MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131

(internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See *id.* (internal citation omitted).

With regard to the rejection of independent claim 1 under Merriam, the Applicant submits that Merriam does not disclose or suggest at least the limitation of “registering a communication device deployed at a location that is communicatively coupled to the communication network, wherein said registering uses at least one registration information associated with said location,” as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

As per claim 1, it is disclosed by Merriam of a method for theft prevention of communications devices used in a communication network. A communication device deployed at a location that is communicatively coupled to the communication network is registered. After registering the communication device, validation information is received wherein the validation information is entered via the communication device. It is then determined whether the communication device is authorized for use in the communication network based on the validation information entered via the communication device (col. 2, lines 21-31 and col. 6, lines 31-40 & 54-65).

See the Final Office Action at pages 3-4. The Examiner is relying for support on col. 2, lines 21-31 and col. 6, lines 31-40 and 54-65 of Merriam. Initially, the Applicant points out that **Merriam, including col. 2, lines 21-31 and col. 6, lines 31-40 and 54-65, does not disclose that any of the portable**

**computing devices 104 (FIG. 1 of Merriam) is registered at a specific location, where the registration information used for the registration is also associated with the location at which the device is deployed.**

Referring to Figure 2 of Merriam, the Examiner has equated the "validation information" limitation from Applicant's claim 1 with the "authorization parameter" 220 of Merriam. The Applicant points out that Merriam, including col. 2, lines 21-31 and col. 6, lines 31-40 and 54-65 of Merriam, does not disclose or suggest that the authorization parameter 220 is entered via the portable computing device 104 (in other words, it is not entered using the device 104). In fact, the invention of Merriam is based on the fact that the authorization parameter expires in a certain period of time, and then the only way to update the parameter, and hence to maintain operability, is for the computing device to interact with a host computer. **Even though Merriam discloses the use of an authorization parameter (equated by the Examiner to Applicant's "validation information"), Merriam does not disclose registering a communication device deployed at a location that is communicatively coupled to the communication network, where the registering uses registration information associated with the location of the device, as recited in Applicant's claim 1.**

Accordingly, independent claim 1 is not anticipated by Merriam and is allowable. Independent claims 7, 9, and 15 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that

independent claims 7, 9, and 15 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Rejection of Dependent Claims 2-4, 8, 10-14, and 16-21**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 7, 9, and 15 under 35 U.S.C. § 102(e) as being anticipated by Merriam has been overcome and request that the rejection be withdrawn. Additionally, claims 2-4, 8, 10-14, and 16-21 depend from independent claims 1, 7, 9, and 15, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-4 and 7-21.

**II. The Combination of Merriam and Ishikoff Does Not Render Claims 5 And 6 Unpatentable**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 7, 9, and 15 under 35 U.S.C. § 102(e) as being anticipated by Merriam has been overcome and request that the rejection be withdrawn. Additionally, since the additional cited reference (Ishikoff) does not overcome the deficiencies of Merriam, claims 5-6 depend from independent claim 1 and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 5-6.

**CONCLUSION**

Based on the foregoing, Applicant believes that all claims 1-21 are in condition for allowance. If the Examiner disagrees, Applicant respectfully requests a phone interview, and requests that the Examiner telephone the undersigned at 312-775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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/Ognyan I. Beremski/

Ognyan I. Beremski, Esq.  
Registration No. 51,458  
Attorney for Applicant

MCANDREWS, HELD & MALLOY, LTD.  
500 West Madison Street, 34th Floor  
Chicago, Illinois 60661  
(312) 775-8000

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